

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN MILLERS MUTUAL
INSURANCE COMPANY a/s/o
AVON STAR, LLC and 59 AVON, LLC,

Lower Ct. No. 13-134311 NZ
Case No. 13-12892

Plaintiffs,

vs.

LANCER INSURANCE COMPANY,

Defendant.

NOTICE OF FILING REMOVAL

NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

CERTIFICATE OF SERVICE

By: PLUNKETT COONEY
/s/ Stanley A. Prokop
STANLEY A. PROKOP (P19114)
Attorneys for Defendant Lancer Insurance
Company
535 Griswold, Ste. 2400
Detroit, MI 48226
(313) 983-4816
sprokop@plunkettcooney.com

Dated: July 2, 2013

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NOTICE OF FILING OF REMOVAL

TO: Clerk of the Court, Oakland County Circuit Court
Bruce N. Moss, Esq.

PLEASE TAKE NOTICE THAT Defendant, Lancer Insurance Company, has this day filed its Notice of Removal, copies of which are attached hereto, in the offices of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division, at Theodore Levin U.S. Courthouse 231 W. Lafayette Blvd., Detroit, Michigan 48226.

By: PLUNKETT COONEY
/s/ Stanley A. Prokop
STANLEY A. PROKOP (P19114)
Attorneys for Defendant Lancer Insurance
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TO: The United States District Court
Judges of the Above Court

NOW COMES Defendant herein, Lancer Insurance Company, by and through undersigned attorneys, and pursuant to 28 U.S.C.A. §1332, 1441 and 1446, herewith files the within Notice of Removal pursuant to said statutes for the following reasons:

1. That on or about May 31, 2013, there was commenced, and is now pending in the Circuit Court for the County of Oakland, State of Michigan, a certain civil action bearing Civil Docket No. 2013-134311-NZ in which Michigan Millers Mutual Insurance Company, a/s/o Avon Star, LLC and 59 Avon, LLC and your Defendant, Lancer Insurance Company, is the Defendant. (Exhibit 1)

2. That said action is a suit at common law of a civil nature, and the amount claimed, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) to wit:

Plaintiff has alleged damages of \$248,807.49.

3. Defendant herewith shows that said action involves a controversy with complete diversity of citizenship between citizens of different states and that Defendant affirmatively avers that:

- a. Plaintiff is now, and at the time of the commencement of this action, was a resident and citizen of the State of Michigan.
- b. Your Defendant was at the commencement of this action, is now and ever since has been a corporation duly created and organized by and under the laws of the State of Illinois with its principal place of business in Illinois and by virtue of said organization, was and is a resident and a citizen of the State of Illinois and was not and is not a corporation created or organized under the laws of the State of Michigan, and does not have its principal place of business in Michigan, and was not and is not a citizen of the State of Michigan.
- c. Your Defendant does not have its principal place of business in Michigan, nor was it a citizen of the State of Michigan at any time material hereto whatsoever. That the principal place of business of Defendant is within the State of Illinois at all times material hereto.

4. That, therefore, this is a controversy between citizens of the State of Michigan, on the one hand, as Plaintiff, and with complete diversity as to all corporate Defendants, who have their principal places of business in states other than Michigan, and have been incorporated or organized pursuant to the laws of states other than Michigan, and thus, the controversy is wholly between citizens of different states involving a controversy of more than Seventy-Five Thousand Dollars (\$75,000.00) and that, with respect to said action, said action is one over which the District Court of the United States has been given original jurisdiction hereunder.

5. That the amount sued for and involved in the controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and that your Defendant, has filed no pleadings in the Circuit Court for the County of Oakland , and that no proceedings in said cause have taken place to date, and that this Notice of Removal is timely filed within thirty (30) days after receipt of a copy of Plaintiff's Complaint by this Defendant, having taken place on June 5, 2013, and that this case remains fully removable pursuant to the statutes above-cited for the within reasons.

6. That attached hereto and made a part hereof is a copy of the Summons and Complaint and any other initial pleadings setting forth the claim for relief upon which the action is based by Plaintiff against this Defendant and that the time for filing of this Notice of Removal under the statutes of the United States have not expired and is herewith made timely.

7. That the written Notice of the filing of this Removal has been given to all parties as required by law, and is attached hereto.

8. That a true and correct copy of this Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Oakland, State of Michigan, as provided for by law.

9. That there is filed herewith, and reference is made hereto, and made a part hereof, a true and correct copy of all process and pleadings which have been served upon this Defendant in this action.

WHEREFORE, your Defendant, an Illinois corporation with its principal place of business in Illinois prays, by undersigned counsel, that it may effect removal of the within action from the Circuit Court for the County of Oakland , State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

By: PLUNKETT COONEY
/s/ Stanley A. Prokop
STANLEY A. PROKOP (P19114)
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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, and to the following by USPS:

Bruce N. Moss, Esq., 2301 West Big Beaver Road, Suite 720, Troy, MI 48084

By: PLUNKETT COONEY
/s/ Stanley A. Prokop
STANLEY A. PROKOP (P19114)
Attorneys for Defendant Lancer
Insurance Company
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